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Supreme Court, U.S.
FILED
081478 APR 2 - 2009
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No. 08-

IN THE

Supreme Court of the United States

HUSAIN RAFIK KURJI,

Petitioner,

v.

ERIC H. HOLDER, JR.,
United States Attorney General,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

SUPPLEMENTAL APPENDIX

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APPENDIX A — DECISION OF THE BOARD OF IMMIGRATION APPEALS DATED APRIL 27, 2004

U.S. Department of Justice
Executive Office for Immigration Review
Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: A78-567-258 – HOUSTON

In re: KURJI, HUSAIN RAFIK

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Mendoza, John L., Esquire

ON BEHALF OF DHS: Merilee Fong, Assistant Chief Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. *See* 8 C.F.R. § 1003.1(e)(4).

s/ [illegible]
FOR THE BOARD

APPENDIX B — DECISION OF THE BOARD OF IMMIGRATION APPEALS DATED JULY 9, 2004

U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: A78-567-258 – HOUSTON

In re: KURJI, HUSAIN RAFIK

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Helt, Christopher W, Esquire

ON BEHALF OF DHS: Merilee Fong

ORDER:

PER CURIAM. The respondent moves the Board pursuant to 8 C.F.R. § 1003.2 to reconsider our decision dated April 27, 2004. In that decision, we summarily affirmed the Immigration Judge's decision. The respondent asks us to reconsider, claiming that a summary decision is not appropriate where the Immigration Judge's adverse credibility finding was erroneous, or where the Immigration Judge failed to fully develop the record by requesting an advisory opinion from the Department of State. First, the

Appendix B

Immigration Judge's thorough and well-reasoned decision sets forth many specific reasons for his adverse credibility determination, and the respondent failed to challenge it on appeal. Second, the record contains four country reports and profiles prepared by the Department of State on the conditions in India. The burden is on the respondent, as an asylum applicant, to provide documentary support for material facts which are central to his claim. Matter of S-M-J-, 21 I&N Dec. 722 (BIA 1997). It is the duty of the Immigration Judge, when relying on country conditions in adjudicating the respondent's case, to make the source of his knowledge of the particular country a part of the record. Id. It is clear that the Immigration Judge met his burden to protect the record. We find no merit in either of the respondent's contentions in his motion for reconsideration. There is no error of fact or law in our prior decision. Accordingly, the motion is denied.

s/ [illegible]
FOR THE BOARD